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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,579	10/23/2003	Noriyuki Miura	MAE 296	5973
23995 7590 11/25/2008 RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005				
EXAMINER				
MOVVA, AMAR				
ART UNIT		PAPER NUMBER		
2894				
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11/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/690,579

Applicant(s)

MIURA, NORIYUKI

Examiner

AMAR MOVVA

Art Unit

2894

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-6, 9 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 9 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4-6, 9,and 12-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathanson '385 in view of Yamazaki '185/Dennen '869/Kao '700.

- a. Regarding claims 1 and 4-6:

- i. Nathanson discloses a semiconductor device comprising: a semiconductor substrate (43, fig. 3); an insulating layer (45, fig. 3) disposed on said semiconductor substrate; an SOI film (51,47,49, fig. 3) disposed on said insulating layer; a gate insulator (53, fig. 3) disposed on said SOI film; and a gate electrode (55, fig. 3) disposed on said gate insulator; wherein a source (47, fig. 3), a drain (49, fig. 3), and a channel (51, fig. 3) are formed in said SOI film so that said gate insulator is located at least between said channel and said gate electrode, thereby forming a MOSFET including said source, said drain, said channel, said gate electrode, and said gate insulator (fig. 3); and wherein said gate electrode is made of polysilicon and conductivity types of said source, said drain, and said channel are all N-type (fig. 3), a channel length of said channel is within a range of approximately from 0.1 μm to 0.25 μm (col. 5). A

thickness of said gate insulator is approximately 2 nm (col., and said thickness of said SOI film is approximately 20 nm (col. 3). Said channel length of said channel is approximately 0.15 μm (col. 5). Nathanson, however, does not expressly disclose that the channel has an impurity concentration of approximately $3 \times 10^{17} \text{ cm}^{-3}$, the, source and drain have an impurity concentration not less than approximately $1 \times 10^{21} \text{ cm}^{-3}$, and the gate electrode to be doped p-type.

ii. Yamazaki discloses MOSFET wherein the first and second n-channel transistors wherein the area under the source and drain have an impurity concentration of 1×10^{20} to $1 \times 10^{21} \text{ cm}^{-3}$ ([Embodiment 1], fig. 2a-5b). Kao discloses a n-channel/n-source/n-drain MOSFET wherein the channel impurity concentration is approximately $3 \times 10^{17} \text{ cm}^{-3}$ (lines 25-35, col. 4). Dennen discloses a a n-channel/n-source/n-drain MOSFET wherein the gate electrode is p-type polysilicon (lines 50-55, col. 8)

iii. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used Yamazaki's/Kao's higher impurity concentrations in Nathanson's device since it would allow for better conductivity/device speed and allow for variable threshold voltage FETs. Additionally It would have been obvious to one of ordinary skill in the art at the time of the invention to have used Dennen's p-type gate electrode in Nathanson's device since it would allow for a functional NNN type low

power device (Nathanson does not state what conductivity type the gate poly-Si is.)

b. Regarding claims 9 and 12-14:

i. Nathanson discloses a metal-oxide-semiconductor field-effect transistor comprising: a semiconductor substrate having a substrate (43, fig. 3), an insulating layer (45, fig. 3) which is disposed on the substrate and a silicon layer (51,47,49, fig. 3) which is disposed on the insulating layer; a gate insulator (53, fig. 3) disposed on the silicon layer of the semiconductor substrate; a gate electrode (55, fig. 3), which is made of P-type polysilicon, disposed on the semiconductor substrate so that the gate insulator is disposed between the gate electrode and the semiconductor substrate (fig. 3); a channel region (51, fig. 3) formed in the silicon layer, which is located under the gate electrode; and a source (47, fig. 3) and a drain (49, fig. 3) formed in the silicon layer and being adjacent to the channel region; wherein conductivity types of the channel region, the source and the drain are all N-type (fig. 3), a channel length of the channel region is approximately 0.15 μm (col. 5). Nathanson, however, does not expressly disclose that the channel has an impurity concentration of approximately $3 \times 10^{17} / \text{cm}^3$, the source and drain have an impurity concentration not less than approximately $1 \times 10^{21} / \text{cm}^3$, and the gate electrode to be doped p-type.

- ii. Yamazaki discloses MOSFET wherein the first and second n-channel transistors wherein the area under the source and drain have an impurity concentration of 1×10^{20} to $1 \times 10^{21}/\text{cm}^3$ ([Embodiment 1], fig. 2a-5b). Kao discloses a n-channel/n-source/n-drain MOSFET wherein the channel impurity concentration is approximately $3 \times 10^{17}/\text{cm}^3$ (lines 25-35, col. 4). Dennen discloses a a n-channel/n-source/n-drain MOSFET wherein the gate electrode is p-type polysilicon (lines 50-55, col. 8)
- iii. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used Yamazaki's/Kao's higher impurity concentrations in Nathanson's device since it would allow for better conductivity/device speed and allow for variable threshold voltage FETs. Additionally It would have been obvious to one of ordinary skill in the art at the time of the invention to have used Dennen's p-type gate electrode in Nathanson's device since it would allow for a functional NNN type low power device (Nathanson does not state what conductivity type the gate poly-Si is.)

Response to Arguments

Applicant's arguments filed 6-30-08 have been fully considered but they are not persuasive.

- a. Applicant argues that the use of Kao does not render the claim as obvious over since Kao discloses a concentration, in a Markush grouping, of 5×10^{17}

atoms/cm³ while the claim requires approximately 3×10^{17} atoms/cm³.

Examiner notes the use of the term "approximately" allows for 5×10^{17} atoms/cm³ to read on the claims. The relevant case law (which references the relative term "about" which is similar to "approximate") states in MPEP 2173.05(b) that: "in determining the range encompassed by the term "about", one must consider the context of the term as it is used in the specification and claims of the application. *Ortho-McNeil Pharm., Inc. v. Caraco Pharm. Labs., Ltd.*, 476 F.3d 1321, 1326, 81 USPQ2d 1427, 1432 (Fed. Cir. 2007). In the instant applicant the specification describes an impurity concentration within the channel of a range approximately from 1×10^{17} atoms/cm³ to 1×10^{18} atoms/cm³. It is apparent that the context of the relative term "approximately" is one of the orders of magnitude. Kao's 5×10^{17} atoms/cm³ concentration is not only on the order of 3×10^{17} atoms/cm³ but relatively close even within the order of magnitude.

b. Applicant argues that Yamazaki's or Kao's impurity concentrations can be used in Nathanson's device. Examiner notes that Kao discloses using a n-type dopant to form an n-type channel concentrations, this is similar to Nathanson which is using an n-type dopant to form a n-type channel concentrations. Yamazaki discloses using an n-type dopant to form n-type source/drain diffusion concentrations, this is similar to Nathanson which is using an n-type dopant to form n-type source/drain concentrations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMAR MOVVA whose telephone number is (571)272-9009. The examiner can normally be reached on 7:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Nguyen can be reached on 571-272-2402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amar Movva
Examiner
Art Unit 2894

Am

/Bradley K Smith/
Primary Examiner, Art Unit 2894